

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: April 6, 2005
)	
Kathy Ashe)	DOCKET NO.: 04F-038
Supervisory Employment Marketing Specialist)	
(Former))	
Department of Employment Services)	
3307 – 7 th Street, SE)	
Washington, DC 20032)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Code §1-1106.02 (2001 Edition), Kathy Ashe, Supervisory Employment Marketing Specialist (Former), Department of Employment Services, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004 as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 7, 2004, OCF ordered Kathy Ashe (hereinafter respondent), to appear at a scheduled hearing on September 17, 2004, and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2003, on or before June 21, 2004.

On September 17, 2004, the respondent appeared at the scheduled hearing and testified that she was advised by her agency's Human Resources Advisor and General Counsel that she was not required to file OCF's Financial Disclosure Statement. Respondent stated that this advice was based on her conversion to the competitive service (Career Service) on September 30, 2003. Respondent presented documents addressed to

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the Director of Campaign Finance from the Director of the Department of Employment Services (DOES) dated January 30, 2004 and May 6, 2004 respectively, indicating that the respondent was not a required FDS filer. Respondent filed a fully executed Financial Disclosure Statement at the conclusion of the hearing.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a member of the Management Supervisory Service from January 1, 2003 to September 30, 2003.
2. Respondent timely filed the Financial Disclosure Statement for calendar year 2002 on June 19, 2003.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
4. Respondent filed the required Financial Disclosure Statement with OCF on September 17, 2004.
5. Respondent provided a credible explanation for the filing delinquency in that she relied on information from her superiors at DOES that she was exempt from the filing requirement on the basis of her conversion to the Career Service in September 2003.
6. Respondent has no history of prior filing delinquencies.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on April 6, 2005.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.